

## Message Text

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ORIGIN L-02

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APPROVED BY IO/TRC - CARL J. GRIP

EB/TD - MR. O'NEIL

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FM SECSTATE WASHDC

TO AMEMBASSY LONDON

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E.O. 11652: N/A

TAGS: ETEL, IMCO

SUBJECT: INMARSAT: DIPLOMATIC CONFERENCE: RULES OF  
PROCEDURE

1. EMBASSY REQUESTED ADVISE IMCO LEGAL ADVISER MENSAH THAT  
OUR EXAMINATION OF PROVISIONAL RULES OF PROCEDURE FOR  
APRIL INMARSAT CONFERENCE REVEALS SEVERAL POINTS WHICH WE  
BELIEVE NEED CLARIFICATION.

-----(A) RULE 11. THE WORD QUOTE IMMEDIATELY UNQUOTE IS  
USED TWICE BUT APPARENTLY WITH DIFFERENT MEANINGS EACH  
TIME. WE WOULD UNDERSTAND THE FIRST QUOTE IMMEDIATELY  
UNQUOTE IN THE SENSE OF QUOTE IMMEDIATELY AND WITHOUT  
DEBATE UNQUOTE. AS TO THE SECOND QUOTE IMMEDIATELY  
UNQUOTE, WE BELIEVE THAT NORMAL PRACTICE WOULD ALLOW  
DEBATE, AT LEAST ENOUGH DEBATE TO PERMIT A REPRESENTATIVE  
APPEALING THE PRESIDENT'S RULING TO EXPLAIN HIS REASONS  
AND TO PERMIT SOMEONE ELSE TO EXPLAIN THE REASONS IN  
FAVOR OF THE PRESIDENT'S RULING.

-----(O) RULE 22. REFERENCE IS MADE TO QUOTE SECRET  
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BALLOT UNQUOTE BUT THERE IS NO PROVISION IN RULES STATING

THAT SECRET BALLOTS ARE PERMITTED. SECRET BALLOTS COULD IN FACT BE PERMITTED FOR: A) ALL ELECTIONS; B) SUBSTANTIVE VOTES (WHEN REQUESTED). IMCO ITSELF HAS USED SECRET BALLOTS IN ELECTIONS. SEE, E.G. RULE 40, RULES OF

PROCEDURE OF (IMCO) INTERNATIONAL LEGAL CONFERENCE ON THE CARRIAGE OF PASSENGERS AND THEIR LUGGAGE ABOARD SHIP, 1974. VARIOUS INTERNATIONAL ORGANIZATIONS ALSO PERMIT SECRET BALLOTS, UPON REQUEST BY A SPECIFIED NUMBER OF REPRESENTATIVES, ON SUBSTANTIVE VOTES. SEE, E.G. ARTICLE 77, 15.6 OF THE 1973 ITU CONVENTION AND ANNEX 3, CHAPTER 9, RULE 15 OF THE 1965 ITU CONVENTION. THE US WOULD SUPPORT SECRET BALLOTS FOR EITHER PURPOSE.

----(C) RULE 6. WE ASSUME DELEGATION CAN STILL VOTE AS INDICATED IN RULE 12, RULES OF (IMCO) INTERNATIONAL LEGAL CONFERENCE CITED ABOVE.

----(D) RULE 25. THE LAST SENTENCE COULD BE READ TO IMPLY THAT THE CONFERENCE MAY DECIDE WHETHER TO VOTE ON THE NEXT PROPOSAL--WHETHER OR NOT IT RELATES TO THE SAME QUESTION AS THE PREVIOUSLY CONSIDERED PROPOSAL. WAS THIS IMPLICATION INTENDED?

----(E) RULE 35. WE SUGGEST THE WORD QUOTE ADOPTED UNQUOTE SHOULD BE SUBSTITUTED FOR THE WORDS QUOTE DRAWN UP UNQUOTE.

2. APPROACH TO MENSAH SHOULD BE LOW-KEY. IF MENSAH IS AMENABLE, WE SUGGEST THAT CLARIFICATIONS BE MADE WHEN CONFERENCE CONVENES, PERHAPS IN THE FORM OF CORRIGENDA. INGERSOLL

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